

REMARKS

Telephonic Interview:

As an initial matter, Applicant sincerely thanks the Examiner for conducting a telephonic interview with Applicant's undersigned representative on October 28, 2004, during which the pending rejections of the claims was discussed.

During the interview, Applicant's representative argued that the cited prior art references fail to disclose the claimed invention. Specifically, it was argued that neither of the Hutton or Wilson references, taken individually or in combination, disclose or suggest having, at least, a central portion made from a fiber optic ribbon matrix material.

The Examiner agreed that such a teaching was not disclosed in the cited references, and requested the Applicant to submit a response incorporating these discussion, so that the Examiner can reconsider the pending rejection of the claims.

Claim Rejections:

Claims 1-32 are all the claims pending in the application, and currently all of the claims stand rejected.

35 U.S.C. § 103(a) Rejection - Claims 1-6, 10-17 and 21-32:

Claims 1-6, 10-17 and 21-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,421,487 to Hutton et al. in view of U.S. Patent No. 6,501,890 to Wilson et al. In view of the following discussion, Applicant respectfully traverses the above rejection.

As discussed with the Examiner in the above referenced interview, Applicant submits that neither of the above references, taken individually or in combination, teach or suggest each and every feature of the claimed invention.

First, as discussed during the telephonic interview, neither of the references teach or suggest having a central member which is made of a fiber optic ribbon matrix material. Hutton is only directed to traditional fiber optic ribbon construction, and thus none of the ribbon structures contain a central portion, as claimed. To disclose this feature, the Examiner relies on the strength member 38, disclosed in Figure 6. However, the strength member 38 is a typical central strength member used for fiber optic cables (i.e. as shown in Figure 6), and as such is not made of matrix material. In fact, Hutton clearly discloses that the central strength member 38 is made of “steel or glass reinforced plastic.” *See* Hutton, col. 6, lines 8-9. there is no teaching of making the member 38 out of matrix material. In fact, such a change would render the central strength member 38 incapable of performing its intended function in the cable. Further, as Wilson discloses only ribbon construction, there is no teaching or motivation in Wilson to change the construction of the strength member 38.

Therefore, for at least this reason, Applicant submits that both the Hutton and Wilson references, taken individually or in combination, fail to teach or suggest each and every feature of the claimed invention.

Further, the Examiner is relying on the cable, shown in Figure 6, to disclose the ribbon set forth in claim 1, of the present application. As shown above, the Examiner’s analysis fails. However, even if it were assumed that the Examiner’s analysis were correct, there is no

disclosure of the cable set forth in claim 23 of the present application. The claimed cable, in claim 23, contains a plurality of multi-axis ribbons. There is no such disclosure in any of the prior art references. Stated differently, the Examiner is relying on the cable in Figure 6, to be a single “multi-axis ribbon” as claimed, and if such is the case, there is no disclosure of a cable having a “plurality” of these cables within an outer jacket, as set forth in claim 23. Therefore, Applicant again submits that the cited references fail to teach or suggest each and every feature of the claimed invention.

In view of the foregoing, Applicant submits that the combination of the Hutton and Wilson references (taken either individually or in combination) fail to teach or suggest each and every feature of the present invention. As such, the Examiner has failed to establish a *prima facie* case of obviousness with respect to the above rejected claims, as required under 35 U.S.C. § 103(a). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 103(a) rejection of the above rejected claims.

35 U.S.C. § 103(a) Rejection - Claims 7-9 and 18-20:

Claims 7-9 and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hutton in view of Wilson, and in further view of Hardwick (previously applied). However, Hardwick does not cure the deficient teachings of both the Hutton and Wilson references, and thus the above claims are allowable, at least by reason of their dependency.

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

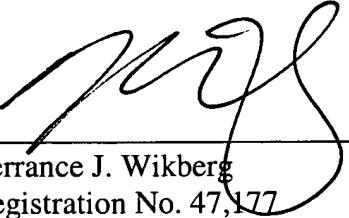
RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/897,386

Our Ref.: A7977
Art Unit: 2839

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: November 22, 2004